

**REMARKS**

In the Office Action, the Examiner restricted claims 1-40 to one of the following groups. Specifically, the Examiner provided the following groups: (Group I) claims 1-23, drawn to a thermistor; and (Group II) claims 24-40 drawn to a method of using a thermistor.

After careful review of the Examiner's restriction requirement, Applicants elect to prosecute claims 1-23 corresponding to Group I *with traverse*. More specifically, Applicants object to the Examiner's rejection on the ground of a lack of "serious burden" on the Examiner. As set forth in the Manual of Patent Examining Procedure, the criteria for restriction between patentably distinct inventions includes: (1) the inventions must be independent or distinct, and (2) there must be a serious burden on the Examiner. See M.P.E.P. § 803. Applicants stress that:

If the search and examination of an entire application can be made *without serious burden*, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803. For these reasons, Applicants respectfully request that the Examiner withdraw the restriction requirement and examine all pending claims.

If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: November 4, 2005



Tait R. Swanson  
Reg. No. 48,226  
FLETCHER YODER  
P.O. Box 692289  
Houston, TX 77269-2289  
(281) 970-4545